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The ACLU of Michigan is opposed to HB 4745 and HB 4746 because this legislation represents a narrow agenda that diminishes women's healthcare options. It would allow insurance companies and HMOs to refuse to provide reproductive health care services.

The managed care revolution ushered out a health care market in which patients had shopped around for providers. In a free market, a provider's refusal to offer certain services posed less of a problem because patients were at least theoretically able to seek out alternative doctors, hospitals, and other facilities whose practices matched their needs. Not so under managed care, in which patients find themselves locked into networks with radically reduced alternatives and therefore increasingly at the mercy of the practices and policies of the few providers to whom they have access.

Following in the footsteps of health facilities and professionals who object to providing certain services, religiously affiliated health insurance companies object to covering certain services in their managed care plans. As managed care has restricted patients' choices of health providers and placed patients under more direct control by health insurance companies, patients and their advocates have become increasingly concerned about ensuring comprehensive and medically sound services within networks and not letting the religious beliefs of sectarian health plans or facilities stand in the way.

This growth in the sectarian health system has given it more power to insist upon laws that permit religiously affiliated institutions to refuse to provide or cover health services – often reproductive health services – they believe to be sinful.

Instead of posing a winner-take-all contest between rights, we should aim to balance protecting the public health in general, reproductive health in particular, patient autonomy, and gender equality with protecting individual religious belief and institutional religious worship.

Supporters of the legislation have repeatedly framed it as a measure to protect religious freedom. However, such arguments are one-sided and misleading. A woman has a right to complete and accurate information about all of her health care options and access to the option she chooses. The legislature should not sacrifice her rights in its rush to satisfy the demands of the religiously affiliated health care industry.